

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Edwin A. Towne, Jr.	:	
Petitioner,	:	
	:	
v.	:	File No. 2:06-CV-202
	:	
State of Vermont,	:	
Respondent.	:	

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed April 26, 2007. Objections were filed May 16, 2007. After careful review of the file and the Magistrate Judge's Report and Recommendation, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The State's motion to dismiss (Paper 11) is **GRANTED**, and petitioner's petition for a writ of habeas corpus (Paper 4), filed pursuant to 28 U.S.C. § 2254 is **DISMISSED**. In addition, the petitioner's motions to order the State to respond within 15 days, to deem any procedural bars waived and proceed to the merits (Paper 9) are **DENIED**.

Pursuant to Fed. R. App. P. 22(b), a certificate of appealability is DENIED because the petitioner has failed to make a substantial showing of denial of a federal right. Furthermore, the petitioner's grounds for relief do not present issues which are debatable among jurists of reasons, which could have been resolved differently, or which deserve further

proceedings. See e.g., Flieger v. Delo, 16 F.3rd 878, 882-83 (8th Cir.) cert. denied, 513 U.S. 946 (1994); Sawyer v. Collins, 986 F.2d 1493, 1497 (5th cir.), cert. denied, 508 U.S. 933 (1993).

Furthermore, it is certified that any appeal of this matter would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

THIS CASE IS CLOSED.

Dated at Burlington, in the District of Vermont, this 25th day of June, 2007.

/s/ William K. Sessions III
William K. Sessions III
U. S. District Judge